



PATENT  
455610-2580.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Lawrence Steven Salant et al.  
Serial No. : 10/673,712  
For : METHOD OF BIT ERROR RATE ANALYSIS  
Filed : September 29, 2003  
Examiner :  
Art Unit : 2117  
Confirmation : 2458

745 Fifth Avenue  
New York, NY 10151

**COMMUNICATION ACCOMPANYING RCE**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper accompanies the Request for Continued Examination (RCE) following the Advisory Action dated January 14, 2008 which denied entry of Applicants' Amendment filed December 11, 2007 under 37 CFR 1.116.

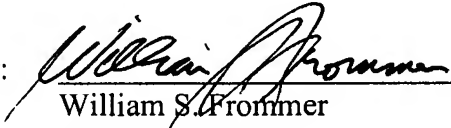
The Advisory Action states that Applicants' December 11, 2007 response "fails to argue and discuss limitations that the prior arts of record cannot teach." However, it should be readily apparent that the feature added to, for example, claim 1, namely the feature of recovering the clock signal "by establishing a threshold and determining pairs of adjacent samples of said stored data signal that the straddle said threshold, taking into account a hysteresis requirement to confirm that a determined pair of adjacent samples that straddle said threshold represent a threshold crossing point" clearly is not suggested by the patents to Tan, Mojoli or Verboom. As

stated in Applicants' December 11, 2007 Amendment, paragraph [0029] of Applicants' published application describes this feature. Thus, claim 1, as well as claim 10 which was amended to incorporate the same feature as recited now in claim 1, is patentably distinct over the cited prior art.

Also accompanying the RCE is an Information Disclosure Statement (IDS) which brings to the Examiner's attention additional documents.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:   
William S. Frommer  
Reg. No. 25,506  
(212) 588-0800